

Water Resources, Joint Legislative Task Force Update on The City of Sumner's Pilot Project

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PIERCE COUNTY

City of Sumner

- Confluence of Two Rivers [*White and Puyallup Rivers*]
- Between Two Indian Tribes [*Muckleshoot and Puyallup Nations*]
- Transected by Two Rail Lines [*BNSF and UPRR*]
- Sound Transit Hub [*Sounder Commuter Train Station and Regional Bus Service*]
- Terminus of Four State Highways [*SR 162, SR 167, SR 410, and SR 512*]
- City Residential Population of 10,000 [*Utility Service to 11,000 Residents*]
- Manufacturing Center and 17,000 jobs [*Pierce County's Largest Manufacturing Center*]
- Connection Point for Residential Development Growth [*Tehaleh and Lakeland Hills*]

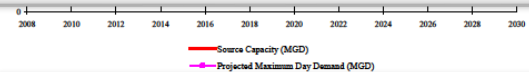


Water System Plans in 2004 and 2009 identified the need for additional water.

The City built a deep aquifer well as the most sustainable and environmentally responsible approach to address this need.

Water rights for this new well have been subject to a shifting regulatory environment due to the *Foster* case.

Ecology issued a temporary right for use of the central well in a limited capacity.



Project Goals

- City's Water Rights applications processed so the central well can be utilized for peak demand needs and to meet future demand
- Intent of the City is to:
 - Increase the reliability and security of its water sources
 - Minimize the reliance on outside water sources
 - Avoid increase reliance on the City's spring sources
 - Have a source that minimizes impacts to instream flows to the White and Puyallup Rivers

Mitigation

Tier 1 – Avoidance

- (a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or**
- White River is closed to new diversions.
 - Puyallup River's minimum flows are established by rule.
 - Impacts from deep aquifer wells, although muted, are dispersed over time and distance.
 - Tier 1 compliance to be partially achieved through water use efficiency

Mitigation

Step B – Minimization

(b) Where avoidance of impacts is *not reasonably attainable*, minimizing impacts by **providing permanent new or existing trust water rights** or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

Available Mitigation Water

- Seasonal Irrigation Rights Held in Trust
Available May through September
- Cascade Water Alliance's Regional Reserved Water
Available Year-round but subject to Minimum River Flows

Potential Mitigation Water (under negotiation; grant funds awarded)

- Cascade Water Alliance's Tail Race Water
Available year-round, subject to periodic maintenance

Other availability water right acquisition under investigation

Mitigation

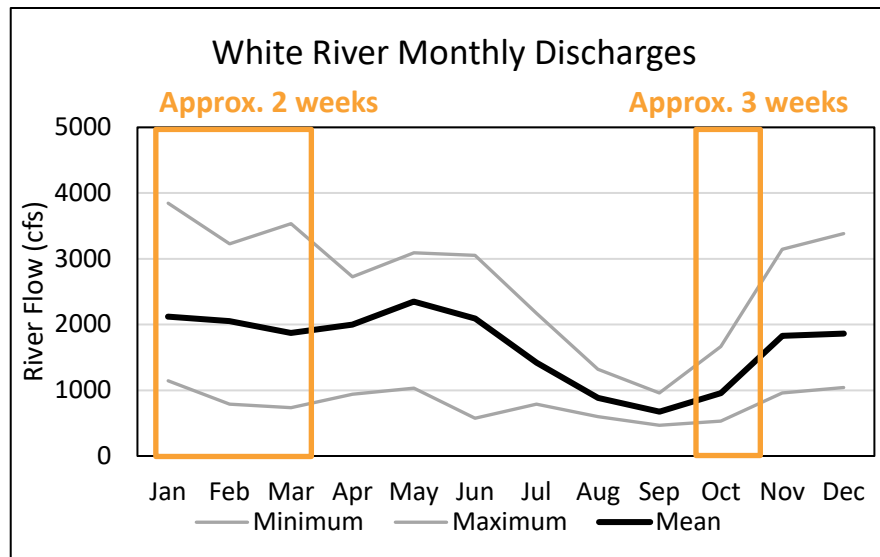
Teir 3 - Compensation

(c) Where avoidance and minimization are ***not reasonably attainable***, **compensating** for impacts by providing ***net ecological benefits*** to fish and related aquatic resources in the water resources inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. ...



Out-of-Kind Mitigation Need

- Flow depletion of up to 1.5 cfs when and where in-kind mitigation is unavailable
- Tributaries and in the Puyallup River upstream of confluence with White River
- Regional Reserve In-kind mitigation is generally not available during 5 weeks out of the year (3 weeks in October, 2 weeks between January and March)



Net Ecological Benefit

- Taking a collaborative approach with stakeholders, most notably the Muckleshoot Indian Tribe and Puyallup Tribe of Indians
 - Dialogue Group
 - Series of meetings, including focused meeting with only tribes

Principles Being Applied in Developing Framework

- Meet requirements in Ecology's Final NEB Guidance
- Clear and transparent approach to document how the mitigation benefits offset the mitigation need
- Focus on crediting key habitat improvements in mitigation
 - adding high quality off-channel habitat is highly beneficial and appropriate type of mitigation to include in out-of-kind mitigation to offset water withdrawals

Updated Net Ecological Benefit Approach

- Assign relative habitat functional value to habitat types
 - E.g., mainstem, tributary, floodplain
 - Score range 0 (no value) to 1 (full value)
- Calculate acreages of each habitat type in mitigation project and impact area
 - Existing conditions
 - Proposed condition (water withdrawal and mitigation)
- If Proposed > Existing, then Net Ecological Benefit achieved

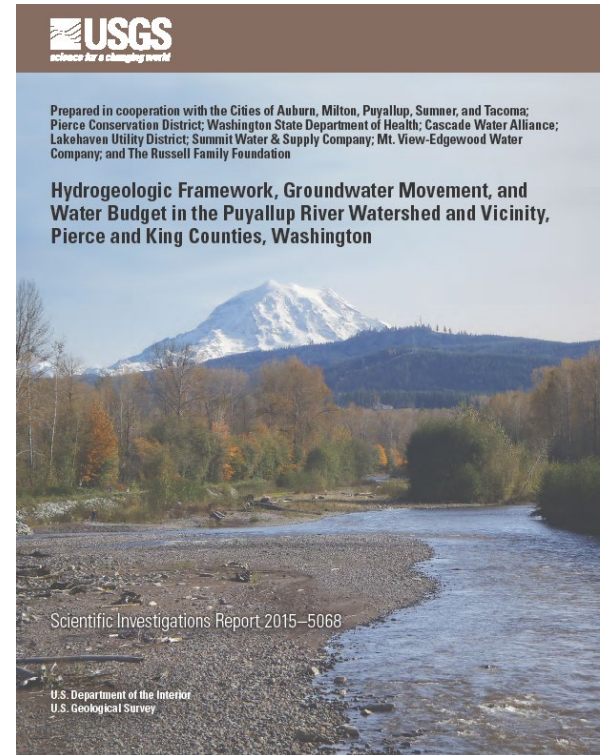
Where Are We Now?

1. Pursuing water acquisition opportunities.

- Tailrace water acquisition for wetland augmentation and flow mitigation.
- Awarded Streamflow Restoration Grant Funding

2. Awaiting the USGS's South East Sound Hydrogeological Model

- Anticipated published end of 2022
- Needed to Quantify Estimated Impacts to surface waters



Where Are We Now?

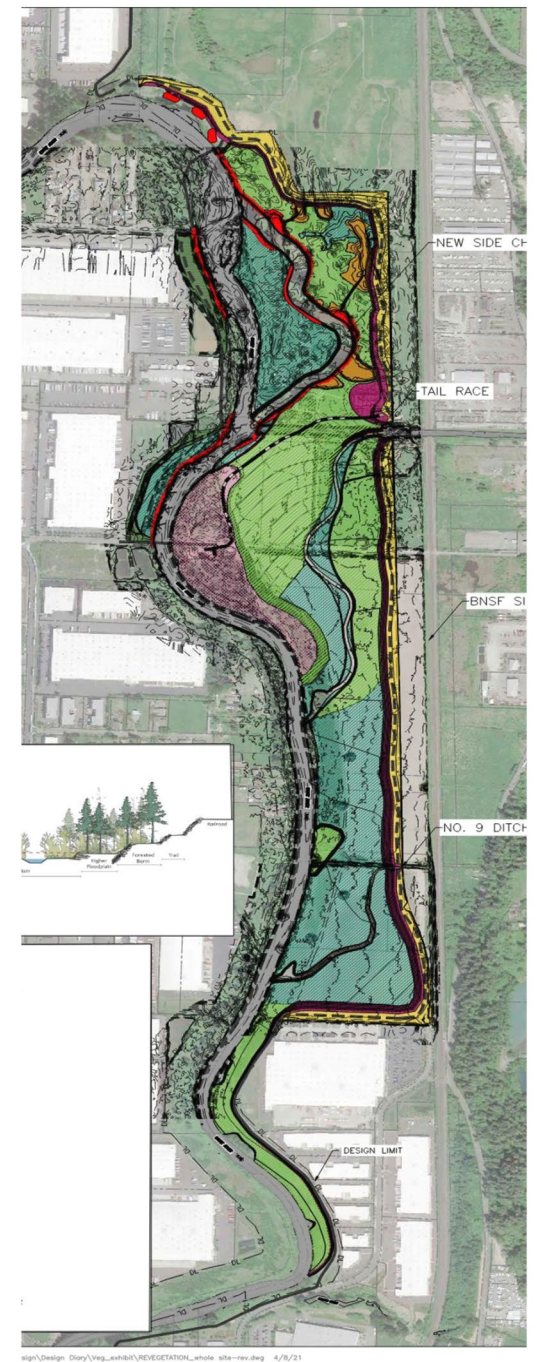
3. Continuing development of the White River Restoration Project



Where Are We Now?

3. Continuing development of the White River Restoration Project

- Two Indian Tribes
- Pierce County
- BNSF Railroad
- Cascade Water Alliance
- Puget Sound Energy
- Private Property Acquisition
- Sewer and Water Utility Relocation
- Commercial Land Developer
- WDFW, ECY, USACE...



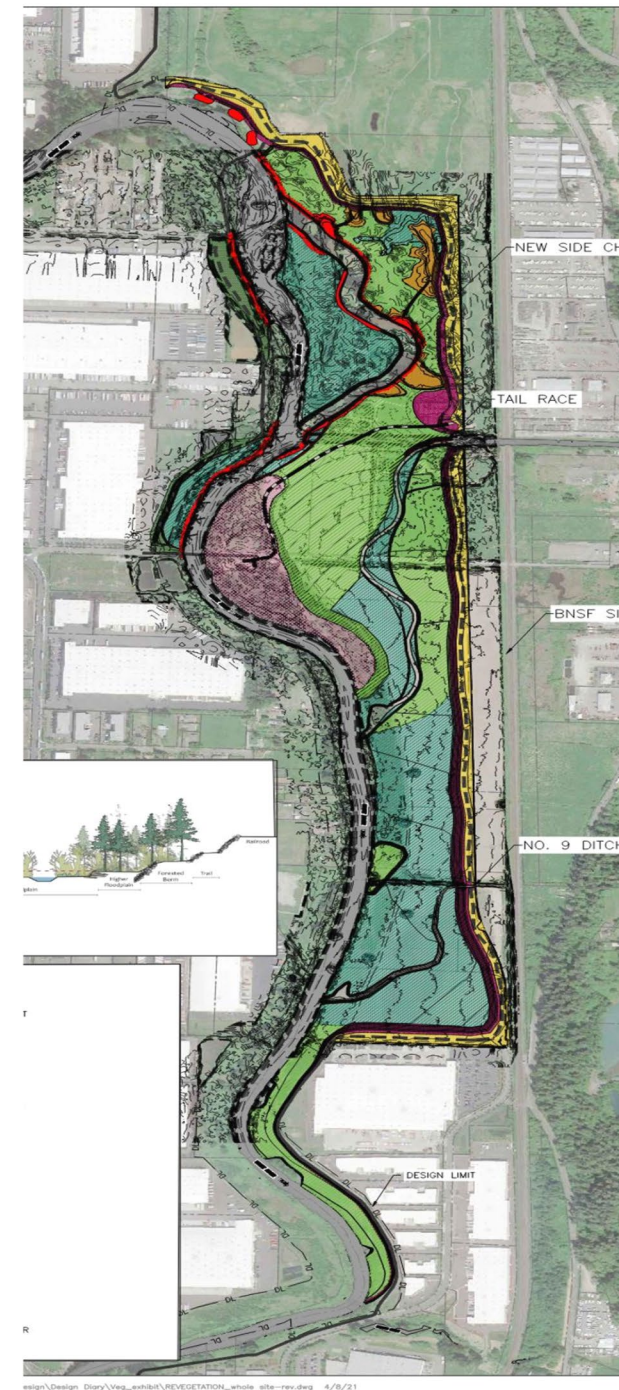
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4. Assessment of Net Ecological Benefits

Targeting to complete a mitigation package submittal to Ecology in mid year 2023.



Thank You

Questions?

